

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**CLYDE KENNARD JONES, *et al.*,**

**Plaintiff,**

**v.**

**WILLIAM BILLY CAPE, *et al.*,**

**Defendant.**

**CIVIL ACTION NO. 5:14-CV-145 (MTT)**

**ORDER**

Before the Court is the Recommendation of Magistrate Judge Stephen Hyles. (Doc. 36). The Magistrate Judge recommends granting the Defendants' motions to dismiss the Complaint (Docs. 4, 8, 9) because the Plaintiffs allege no redressible injury under federal law to confer jurisdiction to this Court and thus lack standing. Moreover, the Plaintiff Dylan Thomas has a writ of habeas corpus pending in this Court, so the Court will not construe the Complaint as a successive petition under 28 U.S.C. § 2254. The Magistrate Judge also recommends dismissing the Plaintiffs' motions to strike the motions to dismiss (Docs. 7, 14, 19, 26) and motion for default judgment (Doc. 13) because the Court lacks jurisdiction to grant the relief sought and that the Complaint should be dismissed. The Plaintiffs objected to the Recommendation.<sup>1</sup> (Doc. 37). The Court has thoroughly considered the Plaintiffs' objections and has made a de novo determination of the portions of the Recommendation to which the Plaintiffs object.

---

<sup>1</sup> The Court notes that the Plaintiffs also amended their complaint and submitted the amendment concurrently with their Objection. Because the amendment was not filed properly pursuant to Fed. R. Civ. P. 15, the Court does not recognize the amended complaint as valid.

The Court has reviewed the Recommendation and accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. Therefore, the Defendants' motions to dismiss are **GRANTED**, and the Plaintiffs' motions to strike the motions to dismiss and the Plaintiffs' motion for default judgment are **DENIED**.

**SO ORDERED**, this 15th day of September, 2014.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT